

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

WHEREAS, at the regular meeting of the City Council on March 15, 2004, the City Council considered the matter of compliance with the California Open Meeting Law, commonly known as "the Brown Act" (Cal. Gov't Code §§ 54950-54963), and the noticing of matters for open and closed sessions of the San Diego City Council. Specifically, the City Council considered recommendations contained in a Report from Deputy Mayor Atkins and Councilmember Frye dated March 15, 2004; and

WHEREAS, the City Council gave direction at the aforementioned meeting to the City Attorney to prepare for the regular meeting of the City Council on March 22, 2004, all necessary documents for the City Council to adopt and/or procedurally implement the recommendations contained in the Report from Deputy Mayor Atkins and Councilmember Frye; and

WHEREAS, the City Council gave further direction to the City Attorney to analyze and comment upon the recommendations contained in the Report from Deputy Mayor Atkins and Councilmember Frye, which recommendations are contained in a separate Report from the City Attorney; and

WHEREAS, San Diego Charter section 13 addresses the topic of "Meetings of the Council" and provides that meetings of the Council shall be held "in accordance with a rule adopted by the Council which may be amended at any time"; and

WHEREAS, the City Council has established Permanent Rules of the City Council, codified at San Diego Municipal Code section 22.0101, which addresses the procedures to be followed for meetings of the City Council; and

WHEREAS, Rule 31 of the Permanent Rules of the City Council provides that the Rules Committee may, at any time, place on the Adoption Agenda a resolution establishing a temporary rule; and

WHEREAS, Rule 33 of the Permanent Rules of the City Council provides that: (1) no permanent rule of the Council shall be amended except by ordinance adopted by the City Council; and (2) no such ordinance shall be considered by the Council until it shall have been referred to the Rules Committee; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City Council hereby adopts a temporary rule, attached as Attachment A and incorporated herein by reference, which shall be called the **"San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings."**

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the **San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings** as set forth in Attachment A shall remain in effect for 120 calendar days from adoption or until such time that the Permanent Rules of the City Council are effectively amended to incorporate the subject matter addressed in the temporary rule, whichever occurs first.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that in accordance with Rule 31 of the Permanent Rules of the City Council, while the **San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings** is in effect, if any provision of the temporary rule is in conflict with a permanent rule, the **San Diego City**

**Council Temporary Rule for Noticing and Conduct of Closed Session Meetings** shall supersede and govern.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City Council establishes an ad-hoc subcommittee of three Council members consisting of Councilmember \_\_\_\_\_, Councilmember \_\_\_\_\_ and Councilmember \_\_\_\_\_ to be known as the "Right to Know Committee." This Committee shall draft a proposal for a new Permanent Rule of the City Council to address the topic covered by the **San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings**. The Right to Know Committee shall file a final report with the Rules Committee no later than 60 days after its first meeting, outlining a proposal for amendments to the Permanent Rules of the Council, which amendments shall be considered by the Rules Committee in accordance with Permanent Rule 33. In addition to the topic covered by the **San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings**, the Right to Know Committee may consider and propose amendments to the Permanent Rules of the City Council with respect to the following topics: serial meetings; non-agenda public comment; the public's ability to obtain documents; noticing of meetings; and Brown Act compliance of City of San Diego boards, commissions, and committees. The Right to Know Committee shall be subject to the provisions of the Brown Act.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City Council directs the City Attorney to prepare a ballot measure, in the normal course of preparation of such matters for consideration by the Rules Committee, for placement on the November 2004 ballot for the purpose of amending the San Diego Charter to add a provision similar to California

Senate Constitutional Amendment No. 1 (SCA 1), attached as Attachment B and hereby incorporated by reference, which is a proposed amendment to the Constitution of the State of California adopted by the State Legislature and scheduled for voter consideration on the November 2004 statewide ballot.

APPROVED: CASEY GWINN, City Attorney

By *Catherine Bradley*  
for Richard A. Duvernay  
Deputy City Attorney

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